

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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**FOR IMMEDIATE RELEASE****CONTACT: Dia S. Poole  
(916) 227-2873****May 11, 2000****DFEH WINS RECORD SETTLEMENT IN MENTAL DISABILITY CLAIM:  
TULARE COUNTY TO PAY FORMER EMPLOYEE MORE THAN \$425,000**

**Sacramento** – In the largest individual settlement in the history of the state's Department of Fair Employment and Housing (DFEH), the County of Tulare has agreed to pay a former employee more than \$425,000 to settle a complaint of discrimination due to a mental disability. Although the County has consistently denied any wrongdoing, the agreement was approved by the County's Board of Supervisors in a closed session on May 2, 2000, and signed today by board vice-chairman Mel Richmond.

DFEH successfully negotiated the record amount on behalf of Suzanne Gundy, 57, of Visalia, a former program manager in the County's Health and Human Services Agency (HHS). Gundy filed the discrimination complaint with DFEH in September of 1998 when the County refused to allow her to return to work after her treating physicians cleared her for duty. Gundy would later be denied any employment, present or future, with the County of Tulare – in any department and in any capacity – due to mental disability.

Under the terms of the agreement, Gundy will receive a cash settlement of \$80,000 plus retirement compensation in the form of an annuity totaling \$345,780. The annuity payments are scheduled to begin when Gundy reaches the age of 65 – the age at which she intended to retire. Tulare County also agreed to adopt and implement a policy regarding mental disability discrimination and to conduct training for all supervisors and managers on that policy.

"This case shows that discrimination can result from misconceptions about mental disabilities," said DFEH director Dennis Hayashi. "When someone receives medical treatment and is cleared to return to work, he or she has a right to do so without the erection of extra barriers."

Gundy was ordered to submit to three psychological examinations by a county-appointed psychologist between August 1997 through November 1998. On two of those occasions, she requested that reasonable accommodations be made to assist her in returning to work. The county-retained psychologist rejected

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Ms. Gundy's health care providers' opinions and, without obtaining available medical and psychological information regarding her treatment progress, concluded in November 1998 that she was not capable of returning to County employment at that time or at any point in the future.

"A settlement in this case was clearly justified," according to Michael Sweeney, a DFEH attorney assigned to the case. "The County failed to afford Ms. Gundy any reasonable accommodations that would have allowed her to resume working. She did not pose a health or safety risk to other employees and she did not pose an 'imminent and substantial degree of risk' to her own health as required by FEHA. Absent those findings, there was no justification for forcibly retiring Ms. Gundy and permanently barring her from County employment."

Mary Bonilla, district administrator for DFEH's Bakersfield office that investigated the case, views the County's agreement to develop a policy and provide training as a significant factor in preventing future discrimination cases. "Having a policy that prohibits discrimination in and of itself is not enough. Educating personnel with respect to the application and enforcement of said policies are crucial elements in the continued process of providing a discrimination free work environment, " Bonilla said. "I am very pleased with the settlement the parties reached."

DFEH enforces laws prohibiting discrimination in employment on the basis of race, color, religion, sex, sexual orientation, marital status, national origin, physical disability, mental disability, medical condition, and ancestry. Further information about DFEH and its services may be obtained by calling (800) 884-1684 or by accessing DFEH's website at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

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